

REMARKS

Claim 11 is cancelled. Claims 1, 34 and 53 are amended. Claims 1-54 are pending in the present application. No new matter has been added.

Regarding rejection of claims 11, 34 and 53 under 35 U.S.C. §112, second paragraph, Applicants cancelled claim 11 and corrected the typographical error in claim 34. Claim 53 has also been amended to remove the indefiniteness of the statement. Support for this amendment may be found in page 65, lines 19-21 of the Specification.

Claims 1, 3-5, 7, 8, 32, 33, 35, 38, 43, 44, 46, 48-50, and 54 are currently rejected under 35 U.S.C. §112(b) as being anticipated by Hopkins, Jr. (US Patent 4,513,545). This anticipation rejection is respectfully traversed as follows.

The construction panels disclosed in the present invention are fundamental construction elements, such as wall, roof, ceiling and floor panels (not necessarily a whole wall, roof, ceiling or floor that spans an entire room), that are usually much smaller compared with the size of a room. Claim 1 has been amended to more clearly recite that the present invention--unlike the cited prior art--is designed and configured to accommodate at least one internal connection conduit for a building subsystem preinstalled in the construction panel. It should be appreciated that the specific structure of such a construction panel as in claim 1 is of special consideration so as not only to ensure secure attachment to adjacent construction panels, but also to enable fluent connections of mechanical or wire-based subsystems among neighboring panels.

Although the terms "panel" and "panelized" are used in both the present invention and the Hopkins, Jr. patent, they refer to fundamentally different structures. The prefabricated structures disclosed by Hopkins, Jr., such as the modular cores and panelized component room

elements, are stackable room-sized structures. Please see column 3, lines 15-53 as well as Fig. 1-9. Hopkins, Jr. does not disclose any construction element that is less than room size. Nor does he disclose any internal or external structure of an individual construction element that could enable efficient and flexible connections of the above-mentioned subsystems among neighboring elements. The walls, roofs, ceilings and floors in the Hopkins, Jr. patent are all integral parts of the prefabricated room elements which are typically room-sized. Therefore, Hopkins, Jr. does not teach every element in independent claims 1, 32 or 43.

For the above reasons, independent claims 1, 32 and 43 are not anticipated by Hopkins, Jr. Claims 2-10 all depend from claim 1, claims 33-38 all depend from claim 32, and claims 44-54 all depend from claim 43. Therefore, claims 2-10, 33-38, and 44-54 are not anticipated by Hopkins, Jr. for at least the same reasons.

Claims 2, 6, 9, 10, 12-19, 45 and 47 are currently rejected under 35 U.S.C. §103(a) as being unpatentable over Hopkins, Jr. Claims 20-24 are currently rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts (US Patent 6,164,035). Claims 25-31 are currently rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts in view of Stein (Book "Mechanical and Electrical Equipment for Buildings"). Claims 36, 37, 39-42 are currently rejected under 35 U.S.C. §103(a) as being unpatentable over Hopkins, Jr. in view of Stein. Claim 51 is currently rejected under 35 U.S.C. §103(a) as being unpatentable over Hopkins, Jr. in view of Borges (US Patent 4,655,011). Claim 52 is currently rejected under 35 U.S.C. §103(a) as being unpatentable over Hopkins, Jr. in view of Roberts. These obviousness rejections are respectfully traversed as follows.

First, Hopkins, Jr. does not disclose the basic claimed structure in the present invention. The size, internal or external structure, and intended use of the construction panels in the present

invention are all fundamentally different from the Hopkins, Jr. patent. As discussed above, Hopkins, Jr. only focuses on room-sized core modules and room elements. His invention does not include individual construction panels that are smaller relative to a typical room. Nor does his invention include the make or use of individual construction panels with preinstalled subsystems that can be efficiently and flexibly connected with adjacent panels.

Second, Roberts does not disclose the basic claimed structure in the present invention. The internal structure of Roberts' foam block wall is fundamentally different from that of the construction panel as in the present invention. A foam wall according to the Roberts patent typically includes evenly spaced vertical passageways that penetrate the wall block. However, the internal connection conduit for a building subsystem preinstalled in the construction panel, as in the present invention, can be far more sophisticated than the simple passageways, based on desired uses. For example, a wire-based subsystem may be installed inside a construction panel and may be routed in various ways to connect with a subsystem in the neighboring construction panels. For another example, a mechanical conduit inside a construction panel may originate from any side of the frame and terminate on any side as well. Furthermore, the Roberts patent provides no suggestion or motivation to configure the passageways to be the same way as shown in the present invention since the major purpose of the passageways is to guide wall support elements inside a plurality of vertically stacked blocks prior to grouting adjacent cells with concrete. Passageways of a different orientation or shape would not be desirable to Roberts at all. 

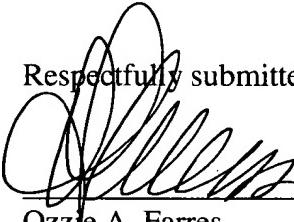
For at least these reasons, the present invention is patentably distinct from the Hopkins, Jr. and Roberts patents. Therefore claims 1-54 are patentable over Hopkins, Jr. and Roberts.

CONCLUSION

The Office Action, references and rejections have been duly considered by the Applicant and addressed by the foregoing amendments and remarks. Reconsideration of the application and allowance are respectfully solicited.

Should the Examiner however require resolution of any issues for allowance, the Examiner is invited to contact the undersigned to expedite the same. Any fees that may be due but not attached, or overpayment of any fees, may be charged or credited to Deposit Account No. 50-0206.

By:

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